

REMARKS

This application has been reviewed in light of the Office Action mailed November 15, 2005. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1 – 6 are pending in the application with Claim 1 being in independent form.

I. Rejection of Claim 1 Under 35 U.S.C. § 102(b)

Claim 1 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Japanese Patent Publication No. 08-008782 issued to Hikosou et al.

The Examiner relies on drawing 2 of Hikosou et al. as a basis for rejecting Applicant's Claim 1. Specifically, the Examiner asserts that element 11 is equivalent to Applicant's AGC amplifier 3, elements 12-15 and 18 are equivalent to Applicant's quadrature demodulator 4, element 18 is also equivalent to Applicant's symbol rate signal power detecting unit 8, and an implied error rate detecting unit. Additionally, element 24 is equated to Applicant's AGC amplifier controlling unit 9.

However, Applicant's AGC amplifier controlling unit 9 receives three input signals (i.e., base band signal power A, symbol rate power B, and error rate D) and outputs a control voltage C to the AGC. In contrast, the AGC controller 24 disclosed in Hikosou et al. only receives an input from element 18, which the Examiner equates to the symbol rate power-detecting unit 8, and element 23, identified in the specification as a digital phase recovery section.

Consequently, Applicant respectfully traverses the rejection to Claim 1, as it is evident that there is no teaching or suggestion in Hikosou et al. to provide an AGC amplifier controlling unit controlling the gain of an AGC amplifier depending on outputs from the base band signal power-detecting unit, symbol rate power-detecting unit, and error rate-detecting unit.

Therefore, even applying a broad interpretation to drawing 2, Hikosou et al. fails to properly anticipate "each and every element of the claimed invention, arranged as in the claim, as required by the courts. (See: In re Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company, et al., 730 F.2d 1452, 221 USPQ 481 (Fed. Cir., 1984)).

Therefore, for at least the reasons given above, Claim 2 is believed to be patentably distinct and allowable over the cited prior art references. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claim 2 under 35 U.S.C. § 103(a) over Hikosou et al. in view of Yamaguchi et al.

II. Rejection of Claim 2 Under 35 U.S.C. § 103(a)

Claim 2 is rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Hikosou et al. in view of Japanese Patent Publication No. 11-355376 issued to Yamaguchi et al.

The Examiner has equated the I channel signals and the Q Channel signals with Applicant's Signal/Noise (S/N) ratio. However, there is no indication in the Yamaguchi et al. disclosure to suggest that I signals and Q signals are analogous to signal and noise as would be necessary to properly equate the two signals to Applicant's S/N ratio. Additionally, while Yamaguchi et al. teaches reducing power to the automatic gain control based on the I and Q signals, it is unclear from the cited passage what criteria is used, whether it is based on a ratio between I and Q or absolute signal strengths, or any number of other possible criteria.

Accordingly, Applicant respectfully traverses the rejection to Claim 2 because Hikosou et al. and Yamaguchi et al., taken alone or in any proper combination, fails to disclose or suggest (1) an AGC amplifier-controlling unit for controlling a gain of the AGC amplifier depending on outputs of the base band signal power-detecting unit, the symbol rate signal power-detecting unit and the error rate-detecting unit; and (2) a AGC amplifier-controlling unit

decreasing the gain of the AGC amplifier when a signal/noise ratio of the desired wave is judged to be high on a basis of the output of the symbol rate signal power-detecting unit.

Therefore, for at least the reasons given above, Claim 2 is believed to be patentably distinct and allowable over the cited prior art references. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claim 2 under 35 U.S.C. § 103(a) over Hikosou et al. in view of Yamaguchi et al.

III. Rejection of Claims 3 – 5 and 6 are rejected under 35 U.S.C. § 103(a)

Claims 3 – 5 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Hikosou et al. in view of Japanese Patent Publication No. 11-297343 issued to Maruyama and further in view of Japanese Patent Publication No. 10-013282 issued to Jansen.

Additionally, Claim 6 is rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Hikosou et al. in view of Japanese Patent Publication No. 11-313028 issued to Sekine.


Regarding Claims 3 – 6, these claims depend from independent Claim 1 and thus include the limitations recited therein by that independent claim. Therefore, since Maruyama, Jansen and Sekine fail to overcome the deficiencies identified above regarding Hikosou et al. and Yamaguchi et al., Claims 3-6 are believed to be patentably distinct and allowable over the cited prior art references. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 3 – 5 under 35 U.S.C. § 103(a) over Hikosou et al. in view of Maruyama and further in view of Jansen, and Claim 6 under 35 U.S.C. § 103(a) over Hikosou et al. in view of Sekine.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 – 6 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,


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